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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,588	12/13/2000	Donal Morris	MAC-105	5719
20028	7590	07/15/2004	EXAMINER	
LAW OFFICE OF BARRY R LIPSITZ 755 MAIN STREET MONROE, CT 06468			OSMAN, RAMY M	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,588

Applicant(s)

MORRIS, DONAL

Examiner

Ramy M Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim2 objected to because of the following informalities:

Semicolons are missing on lines 20 and 24. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 recites the limitation "passing the label" on page 20, line 12. There is insufficient antecedent basis for this limitation in the claim.
4. Claims 8 and 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language is unclear as to allow an understandable reading of these claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1,4,5, 10 and 11 rejected under 35 U.S.C. 102(e) as being anticipated by Saigo et al (US Patent No 6,587,880).

7. In reference to claim 1, Saigo teaches a data communication method for operation between remote data processing systems, the method comprising the step of transmitting data between the systems via a communications channel having an associated path, characterized in that the method comprises the further steps of:

receiving a session initiation stimulus at a Session Control System (SCS) (Summary and column 4 lines 15-30);

authenticating the received initiation stimulus in the SCS by referencing the stimulus source and stimulus content to a requested source (Summary and column 4 lines 30-45);

generating a proceed signal to a multiservices provider on receipt of an authentication valid signal from a contract database associated with the SCS and generating a service event (Summary and column 4 lines 30-65).

8. In reference to claim 4, Saigo teaches a data communication method as claimed in claim 1 incorporating the further steps of:

receiving from the network a signal to indicate that the path has been modified (column 11 line 50 – column 12 line 45); and

automatically generating a timestamp associated with the modification (column 11 line 50 – column 12 line 45).

9. In reference to claim 5, Saigo teaches a data communication method as claimed in claim 1 having means for:

receiving a session termination stimulus at the Session Control System (SCS); and generating of timestamp to indicate session termination in response to the received stimulus (column 11 line 50 – column 12 line 45).

10. In reference to claim 10 and 11, Saigo teaches a data communications method as claimed in claim 1 using a content resource vector incorporating a name, a type, coding techniques and value categories of still images and moving images (column 14 lines 1-67).

11. Claim 12 rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (US Patent No 6,728,777).

Lee teaches a data communications method for processing data generated for traffic engineering purposes by accessing functionality or data produced through a traffic engineering applications programming interface and delivering traffic engineering data over an external data interface (Summary, column 5 lines 30-55 and column 6 lines 5-65).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2,3 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Saigo et al (US Patent No 6,587,880) in view of Usui (US Patent No 5,956,697).

14. In reference to claim 2, Saigo teaches a data communication method as claimed in claim 1 incorporating means for performing the additional steps of:

generating a timestamp to indicate session commencement (column 11 line 50 – column 12 line 45);

generating and passing a service vector signal to the network (Summary and figure 1);

transmitting a connection end destination address to the network (column 5 lines 1-25 and column 7 line 45 – column 8 line 15);

receiving a connection established signal from the network to indicate connection to a content server (Summary and column 5 lines 15-67);

receiving a content vector from the content server the content vector indicating the type of content and a flag for identifying the existence of a service component related to content (Summary, column 6 lines 30-60, column 8 lines 25-67 and column 9 lines 1-55); and

Saigo fails to explicitly teach receiving a grade of service of multipath vector from the network to indicate the nature of the multi-party service for the purposes of billing if the service includes a multipath component. However, Usui teaches detecting connection nature for purposes of service billing (column 2 lines 1-52 and column 3 lines 35-65).

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It would have been obvious for one of ordinary skill in the art to modify Saigo by detecting connection nature for purposes of service billing as per the teachings of Usui so that network access can be provided in a fee-charging system.

15. In reference to claims 3 and 6, Saigo teaches a data communication method as claimed in claim 1 incorporating the further steps of:

detecting the generated service event; triggering of a service by a service user associated with the service event (Summary, column 6 lines 30-60, column 8 lines 25-67 and column 9 lines 1-55);

initializing setup of the triggered service using a traffic part of a service vector associated with the service event by a service gateway (Summary and column 4 lines 30-65);

monitoring use of the service by the service user (Summary and column 4 lines 30-65);

Saigo fails to explicitly teach application of a tariff part of the service vector and timestamped service usage information from the service gateway for creating a charge record. However, Usui teaches detecting connection nature for purposes of service billing (column 2 lines 1-52, column 3 lines 35-65 and column 4 lines 30-65).

It would have been obvious for one of ordinary skill in the art to modify Saigo by detecting connection nature for purposes of service billing as per the teachings of Usui so that network access can be provided in a fee-charging system.

16. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Saigo et al (US Patent No 6,587,880) in view of Usui (US Patent No 5,956,697) in further view of Amin et al (US Patent No 6,714,987).

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Saigo fails to explicitly teach a data communications method as claimed in claim 6 wherein the SDR is linked to a label of multi-protocol label switching (MPLS). However, Amin teaches session establishment with MPLS (column 17 lines 25-55 and column 22 lines 1-30).

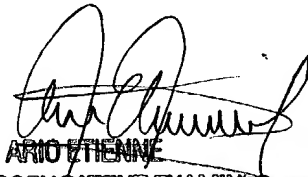
It would have been obvious for one of ordinary skill in the art to modify Saigo by incorporating MPLS as per the teachings of Amin because MPLS is designed for high throughput networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
July 11, 2004


ARIO ETIENNE
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